

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MARRIOTT INTERNATIONAL, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:21cv0610 (AJT/JFA)
)	
DYNASTY MARKETING)	
GROUP LLC, <i>et al.</i> ,)	
)	
Defendants.)	
)	

REPORT AND RECOMMENDATION

On November 17, 2022, the court heard argument on plaintiff’s third motion to compel discovery from defendant Dynasty Marketing Group LLC (“DMG”) and for sanctions (Docket no. 151) and the renewed motion by Phillip S. Griffin to withdraw as counsel for DMG (Docket no. 166). After reviewing the motion to compel and for sanctions, memorandum in support, response in opposition, and reply, and having considered the arguments of counsel during the hearing on November 17, 2022, the court found that defendant DMG’s discovery responses served to date remain inadequate and defendant DMG failed to provide a witness for a deposition as required by the Federal Rules of Civil Procedure. (Docket no. 182). The court indicated that it would delay issuing a report and recommendation for 14 days to allow substitute counsel to make an appearance. *Id.*

On November 17, 2022, the court also entered an order granting Mr. Griffin’s motion to withdraw contingent on him sending a copy of the orders entered on November 17, 2022, to a representative of DMG and providing the court with the postal and email address of the representative. (Docket no. 184). That order provided that since DMG is a limited liability

company, it must be represented by counsel and that substitute counsel must enter an appearance on behalf of DMG within 14 days. *Id.* DMG was warned that failure to have substitute counsel make an appearance on its behalf may result in default being entered against it for failure to defend. *Id.* On November 18, 2022, Mr. Griffin filed a mailing certificate indicating that copies of the court orders were sent to Bruno Borra on behalf of DMG. (Docket no. 187).

More than 14 days have passed since the entry of the orders discussed above and those orders having been sent to a representative of DMG. A review of the docket sheet reveals that no counsel has filed a notice of appearance on behalf of DMG.

For the reasons stated during the hearing on November 17, 2022, even after two previous orders requiring DMG to provide full and complete responses to plaintiff's discovery requests, it has failed to do so. In addition, DMG failed to produce a company witness pursuant to a notice of deposition. Finally, DMG has failed to have substitute counsel appear on its behalf. For these reasons and pursuant to Federal Rule of Civil Procedure 37(b)(2) and 55(a), the undersigned recommends that a default on the issue of liability be entered against DMG and that plaintiff arrange for a hearing before the District Judge limited to plaintiff's request for injunctive relief and the issue of damages.

NOTICE

Failure to file written objections to this report and recommendation within 14 days after being served with a copy of this report and recommendation may result in the waiver of any right to a *de novo* review of this report and recommendation and such failure shall bar you from attacking on appeal any finding or conclusion accepted and adopted by the District Judge except upon grounds of plain error. A copy of this report and recommendation will be mailed to

Dynasty Marketing Group, LLC, Bruno Borra, 1912 Ham Brown Road, Kissimmee, FL 34746

and sent by email to bruno@dynastymarketinggroup.com.

Entered this 6th day of December, 2022.

 /s/ JFA
John F. Anderson
~~United States Magistrate Judge~~
John F. Anderson
United States Magistrate Judge

Alexandria, Virginia